

Application No. 10/015,582
Amdt. dated August 21, 2003
Reply to Office Action of March 21, 2003
Docket No. 2001-1208

Please make of record the attached English-language translations of USSR 654682 and JP 8-245397.

REMARKS

At the outset, applicants would like to thank Examiner Meller for his time and consideration of the present application at the interview of August 6, 2003 with the undersigned agent.

At the interview, the contentions of the outstanding Official Action were discussed. In the outstanding Official Action, claims 10-14, 16-17, and 19 were rejected. Claims 15 and 18 were withdrawn from consideration for allegedly being directed to new species of the invention that were not originally claimed. In the interest of advancing prosecution, claims 15 and 18 have been canceled without prejudice.

Claims 10 and 16 were rejected under 35 USC 102(b) as allegedly being anticipated by the abstracts of SU 654682 (SU '682) or JP 408245397 (JP '397). This rejection is respectfully traversed.

The outstanding Official Action alleged that the SU '682 publication taught the administration of glucose isomerase to a patient. Moreover, the outstanding Official Action further alleged that the JP '397 publication disclosed the administration of an inhibitor comprising glucose isomerase.

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However, at the interview, full translations of the SU '682 and JP '397 abstracts were presented to Examiner Meller. These translations are enclosed for the Examiner's convenience.

Upon reviewing the full translation of each publication, it is believed to be apparent that neither the SU '682 publication nor the JP '397 publication disclose or suggest a method for treating or preventing obesity, being overweight, fluctuation in blood insulin levels or fluctuation in blood glucose levels in a mammal by enterally administering to a mammal an effective amount of a preparation containing glucose isomerase.

Indeed, the SU '682 publication is directed to the production of enzyme preparations from lactic acid bacteria. While the publication teaches the production of a new strain of lactic acid bacteria used in the production of an enzyme preparation of glucose isomerase, the enzyme preparation is used for increasing the sweetening capacity of glucose-containing syrups and results in conversion of glucose to fructose. The now fructose-containing syrup can then be fed to patients suffering from sugar diabetes and other disorders (see page 2, lines 1-10 of the full translation of the SU 654682 publication). Thus, the publication teaches that glucose isomerase can be used as a processing agent. As diabetic patients more rapidly tolerate fructose rather than glucose, the glucose isomerase is used to

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convert the glucose to fructose. As a result, glucose isomerase is not present in the fructose-containing formulation that is administered to diabetic patients. Thus, the SU '682 publication fails to anticipate or render obvious the claimed method.

As to the JP '397 publication, the publication is concerned with the administration of glucose-6-phosphate isomerase inhibitor (see full translation of JP 408245397, abstract and page 4, paragraph 0012). Thus, contrary to the assertions of the Official Action, the JP '397 publication does not disclose or suggest the administration of glucose isomerase to a patient. Indeed, as the publication teaches the benefits of administering an inhibitor of glucose isomerase, applicants believe that the JP '397 publication teaches away from the claimed invention.

Thus, in view of the above, it is believed that the SU '682 and JP '397 publications fail to anticipate or render obvious the claimed invention.

In the outstanding Official Action, claims 10-19 were rejected under 35 USC 103(a) as allegedly being obvious over the SU '682 or JP '397 abstracts in view of TSUJINO and JP 410287575. Claims 10-19 were then further rejected under 35 USC 103(a) as allegedly being obvious over the '508 CAREY et al. patent or the '358 CAREY et al. patent in view of TSUJINO, the SU '682 abstract

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and the JP '397 abstract. However, these rejections are respectfully traversed.

As noted above, contrary to the assertions of the Official Action, the SU '682 and JP '397 publications fail to disclose or suggest the administration of glucose isomerase to a patient. As both rejections improperly rely on the SU '682 and JP '397 publications, it is believed that the rejections are improper and must be withdrawn.

Moreover, applicants respectfully submit that TSUJINO, the JP 410287575 publication and the CAREY patents, alone or in combination, fail to remedy the deficiencies of the SU '682 and JP '397 publications. None of the references, alone or in combination, suggest a method for treating or preventing obesity, being overweight, fluctuations in blood insulin levels or fluctuations in blood glucose levels in mammals by enterally administering to a mammal an effective amount of a preparation containing glucose isomerase.

Thus, and in view of the above, applicants respectfully submit that the obviousness rejections are improper and must be withdrawn.

Applicants note that Examiner Meller stated at the interview that upon further consideration of the application, several additional changes may be needed to place the application in condition for allowance. As all of the rejections of record

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have been obviated, applicants believe that the present application is in condition for allowance. However, if the Examiner believes that additional changes are required, he is invited to contact the undersigned agent to expedite the prosecution of the present application.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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PD/fb